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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.7223 OF 2005**
IN
CRIMINAL APPEAL NO.1025 OF 2005

The State of Maharahstra ... Appellant

V/s.

Popat Annaso Patil & Ors. ... Respondents

Mrs.V.R. Bhosale, APP, for Appellant
None for Respondents

CORAM: **V.G. PALSHIKAR, Ag. C.J. & SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 29, 2006**

**P.C.:**

. Criminal Application for condonation of delay in filing the appeal allowed. Delay condoned.

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Mrs.V.R. Bhosale, APP, for Appellant
None for Respondents

CORAM: **V.G. PALSHIKAR, Ag. C.J. & SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 29, 2006**

**P.C.:**

. Heard learned Assistant Public Prosecutor on merits of the Appeal. It seeks enhancement of the sentence awarded by the learned Magistrate. The learned Magistrate found the accused persons guilty under sections 323 and 325 of the Indian Penal Code and proceeded to sentence them to suffer imprisonment for three years. However, looking to the circumstances present, the proximity of the complainant and the accused, he gave the present respondents benefit of the Probation of Offenders Act.

2. There is no point in insisting that the accused persons, who are duly convicted, should be made to suffer imprisonment. No other ground for enhancement is made out. Hence, the Appeal is dismissed.